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WELLS ST. JOHN P.S.  
601 W. FIRST AVENUE, SUITE 1300  
SPOKANE, WA 99201

In re Application of: MILOT, Eric	:	
U.S. Application No.: 10/586,944	:	DECISION ON PETITION
PCT No.: PCT/CA2005/000092	:	(37 CFR 1.181)
International Filing Date: 24 January 2005	:	
Priority Date: 23 January 2004	:	
Atty Docket No.: G047-001	:	
For: APPARATUS FOR	:	
LONGITUDINALLY ALIGNING	:	
CONCRETE BLOCKS ON A	:	
CONVEYOR	:	

This decision is issued in response to the "Petition For Issuance Of Filing Receipt" filed 28 July 2008, treated herein as a petition under 37 CFR 1.181 to confirm the timely filing of a response to the Notification Of Missing Requirements. No petition fee is required.

### **BACKGROUND**

On 24 January 2005, applicant filed international application PCT/CA2005/000092. The international application claimed a priority date of 23 January 2004, and it designated the United States. On 04 August 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 24 July 2006 (23 July 2006 was a Sunday).

On 24 July 2006, applicant filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 03 April 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date were required.

On 17 August 2007, applicant filed a "Status Inquiry" requesting the status of the present application.

On 28 July 2008, applicant filed the "Petition For Issuance Of Filing Receipt" considered herein. The petition asserts that a proper response to the Notification Of Missing Requirements was filed on 01 May 2007. The petition includes a copy of the materials filed on 01 May 2007

and a return postcard itemizing these materials and bearing a USPTO receipt stamp dated 01 May 2007.

### DISCUSSION

Based on the statements in the present petition, the accompanying itemized return postcard bearing an 01 May 2007 USPTO receipt stamp, and USPTO records confirming receipt of the \$65 small entity surcharge payment on 01 May 2007, it is concluded that the materials accompanying the present petition (including the executed declaration) were originally filed herein on 01 May 2007 as a timely response to the Notification Of Missing Requirements mailed 03 April 2007 (see MPEP section 503).

A review of the declaration attached to the petition confirms that the declaration is in compliance with 37 CFR 1.497.

### CONCLUSION

The petition to confirm the 01 May 2007 filing of a timely response to the Notification Of Missing Requirements mailed 03 April 2007 is **GRANTED**.

The materials accompanying the present petition, including the executed declaration, will be treated as having been filed herein on 01 May 2007.

This application is being returned to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 01 May 2007.



Richard M. Ross  
Attorney Advisor  
Office of PCT Legal Administration  
Telephone: (571) 272-3296  
Facsimile: (571) 273-0459